



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

P.O. Box 45201, Olympia, Washington 98504-5201

ITEIP CLARIFICATION MEMO

#06-003

May 16, 2006

TO: Infant Toddler Early Intervention Program (ITEIP) Contractors
Family Resources Coordinators (FRCs)
Statewide Contractors
State Interagency Coordinating Council (SICC) and Committees
County Interagency Coordinating Council Chairs
School Districts
DDD Management Staff
DSHS Cabinet
Tribal Councils and Representatives
IPAC
IPSS Staff
County DD Coordinators

FROM: Sandy Loerch Morris, Program Director
Infant Toddler Early Intervention Program (ITEIP)

SUBJECT: **Roles and Partnerships with the Washington State Infant Toddler Early Intervention Program and School Districts**

PURPOSE: To provide clarification of the role of the Infant Toddler Early Intervention Program (ITEIP) state and local lead agencies and to answer questions related to school districts, as partners in the Washington Infant Toddler Early Intervention Program and system.

BACKGROUND: As defined under the Individuals with Disabilities Education Act (IDEA), Part C, early intervention services are not FAPE (Free Appropriate Public Education), but rather a composite of funding and resources specific for each individual infant or toddler and their family. All available funding within each community is necessary and needs to be accessed to implement this program statewide. The ITEIP Part C funding can only be used as payer of last resort, after other federal, state, local, and private funding has been accessed. Part C funds must supplement, not supplant, existing resources.

**BACKGROUND
CONTINUED:**

IDEA, Part C asserts that we must have a multi-agency, community-based, family-centered approach and system, and must build on existing formal and informal support networks and resources. The early intervention system must promote the development of the child within the context of their family and the integration of the child and family within their community.

**WHAT'S NEW,
CHANGED, OR
CLARIFIED:**

State Lead Agency Role and Responsibility for IDEA, Part C

The Department of Social and Health Services (DSHS) is the state lead agency, responsible for ensuring that the federal Individuals with Disabilities Education Act (IDEA), Part C, requirements are implemented throughout the state for services to infants and toddlers and their families. ITEIP is a multiple agency program, housed within DSHS and is responsible to administer the IDEA, Part C, state early intervention program.

Upon parents' consent each eligible child and their family choosing to participate in early intervention services, must be referred and assigned a Family Resources Coordinator (FRC). The services are provided by local resources, as defined by an Individualized Family Service Plan (IFSP). Detailed early intervention outcomes, services, qualified staff, frequency, intensity, methods, settings, and funding sources must be clearly defined in an IFSP. IFSPs must include all services determined by the team, which includes the parents. IFSPs must be completed within 45 days of referrals to Family Resources Coordinators, written in the required state format, signed by the family and team members, and entered into the ITEIP Data Management System.

ITEIP Local Lead Agencies Roles and Responsibilities

The role of the ITEIP Local Lead Agencies is to coordinate ITEIP, Part C services and the local system.

- DSHS ITEIP delegates authority and local responsibilities through contracts with Local Lead Agencies. Local Lead Agencies are required to implement a system, throughout their county geographic area, consistent with state and federal policies and procedures. Local Lead Agencies are determined through a non-competitive contract process and must be supported by the local community and a County Interagency Coordinating Council.
- The ITEIP Local Lead Agencies must coordinate the local early intervention system, and ensure services are implemented for each eligible infant or toddler and their family. This responsibility includes facilitating a comprehensive community-based service system and the completion of a county plan and interagency

**WHAT'S NEW,
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agreements that define the local system, partnerships, roles, and responsibilities. Local Lead Agencies are responsible for ensuring delivery of services, and that Part C funding is used as payer of last resort, after all other funding sources are accessed. The local and state system requires a multiple agency approach, as no one agency can or is funded to provide all early intervention services as a stand alone entity.

- The Local Lead Agency is also responsible to ensure there are Family Resources Coordinators (FRCs) available to facilitate and coordinate referrals, parent consents, IFSP processes, and IFSP team members and activities, to ensure the IFSP is developed, implemented, and current. Local Lead Agencies must oversee and ensure that FRCs and other team members are qualified to provide early intervention services in a timely manner. This coordination also requires partnerships and agreements with local service agencies, schools, providers, and other community resources.
- The Local Lead Agency is responsible to ensure that services are located and provided to the family, however close or far away those services can be found. Currently, schools are encouraged to participate as a partner in delivering early intervention services. House Bill 1107 was signed into law requiring all districts to participate by 2009. Until then, if a school district opts out of the early intervention system, the Local Lead Agency does not have resources to duplicate a program that ends, but rather looks to other community services, resources, and funding options available for those children and families needing services. This is a challenging process for rural areas where services are not readily available to families. A program ending locally may mean families are required to travel a greater distance to access services or that additional resources must be spent on staff travel just to reach the location of the child and family.
- It is important to share that if a school district chooses not to serve infants and toddlers, birth to three, other entities cannot access these state special education funds for their community, families, or children eligible for ITEIP, Part C, services. The decision not to serve decreases the amount of service dollars available locally. DSHS and Local Lead Agencies must provide payer of last resort funding, but there is no simple or automatic replacement for the local school districts' state special education allocations.

School District Roles and Responsibilities

When the new Special Education Washington Administration Code (WAC 392-172) became effective in 2000, state requirements for

**WHAT'S NEW,
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school districts changed to clarify that all school districts must follow IDEA, Part C, for services to infants and toddlers, birth to three, with delays or disabilities and their families. For Washington State, all services must be delivered per Part C and DSHS ITEIP state policies, procedures, definitions, etc., as outlined in the Washington ITEIP Federally Approved State Plan.

Until 2009, schools may choose whether to provide services, birth to age three. Currently, a school district that chooses to provide early intervention services may do so in more than one way – by directly providing services, or contracting with another entity for services, or a combination of providing some resources and contracting some duties out. Regardless of the process, the district is providing services and is responsible for services that the district special education funding covers. The services funded by a school district must be in accordance with the IFSP process and timelines, and be specified in IFSPs. By school districts choosing to provide early intervention services, state education funding can be accessed for eligible infants and toddlers and their families, within their school district.

- State special education dollars are allocated to serving school districts through the state formula, as part of the state allocation for special education funds. Districts who do not serve infants and toddlers, birth to three, therefore only receive an allocation for children, three through 21.
- School districts serving this population have the distinction of doing so as part of the local system. Schools do not have single agency responsibility for IFSPs beyond state special education funding provided. Infants and toddlers with developmental delays or disabilities and their families need access to all available resources for a comprehensive IFSP and to assure a coordinated local system is in place.
- ITEIP encourages districts not wishing to serve directly, to contract these services out with another agency or organization. This is because if school districts do not serve or stop serving then access is not possible to the state special education funding to be used to serve infants and toddlers, birth to three, and their families.
- The passing of House Bill 1107 this 2006 legislative session, ensures all school districts are partners by 2009, in the local and statewide early intervention service system, known in Washington as the Infant Toddler Early Intervention Program. The bill ensures equitable access to state education funding, throughout all of the state's 296 school districts, for eligible infants or toddlers and their families.

- As is the case for national research and data, the ITEIP data documents that all children benefit from early intervention services. ITEIP's data for 2004/05 shows that 21 % of the children who transitioned from early intervention/ITEIP services were not eligible for special education services. This means early intervention services and funding is not only critical for the child and family, but also creates a savings to programs responsible for serving children, three and older. Without early intervention services, schools will have more children needing special education preschool by their third birthday. In addition, eligible children might need more involved and expensive special education services than they would have if they have not received early intervention services.

ACTION:

Schools are critical partners in providing community-based early intervention services, resources, and funding. The partnerships, between ITEIP, OSPI, school districts, Local Lead Agencies, and other community providers, are essential to the statewide community-based program. Local Lead Agencies should work with schools to request they access special education funding, as defined above, and negotiate with school districts and boards as to how this might look for the community.

It is also important for Local Lead Agencies to continue to work with each local school district to develop a strong system with clear roles and responsibilities. State law (RCW Chapter 70.195 through 70.195.030), ITEIP policies and procedures, and DSHS ITEIP contracts require that these roles and responsibilities be clearly defined in local interagency agreements and county plans. It is a good time to review the local agreements and contracts to strengthen and clarify them. This will ensure your community is ready for the new three year ITEIP contracts, beginning in October 2006. New agreements, local contracts, and county plans are a component of each Local Lead Agency's three year contract with ITEIP.

Parents, providers, school districts, referral sources, or others needing state policy clarification should see the Washington ITEIP Federally Approved Plan on the ITEIP website, located at <http://www1.dshs.wa.gov/iteip>, or contact ITEIP policy staff at (360) 725-3500. Individuals needing local procedures, process, and assistance with the local system and services should contact the designated Local Lead Agency. Referrals are to be made directly to the Lead Family Resources Coordinator in each geographic area. Local contact information is also available on the ITEIP website.

I am hopeful this detail is helpful to you and your community. Please feel free to share it with others who may also have similar questions. ITEIP staff and I are committed to providing technical assistance to you and your community partners. Please let me know if there is additional information or assistance needed by you, your agency, or others. I would also be happy to meet with school districts, should they wish to do so now or anytime in the future.

**RELATED
REFERENCES:**

Individuals with Disabilities Education Act (IDEA), Part C
State law (RCW Chapter 70.195 through 70.195.030)
ITEIP policies and procedures
DSHS ITEIP early intervention services contracts
Special Education Washington Administration Code (WAC 392-172)
House Bill 1107 Early Intervention Services for Children with Disabilities

ATTACHMENT:

Differences and Similarities Between Part B and Part C - a chart summarizing differences and similarities between Part B (ages 3 to 21) and Part C/ITEIP (birth to 3).

CONTACT(S):

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Differences and Similarities between Part B and Part C

Part B	Part C
Part B is intended for children and youth with disabilities, three to 21 years.	Part C is intended for infants and toddlers with disabilities, birth to three years, and their families.
Part B provides a Free Appropriate Public Education (FAPE) to the eligible child through the development and implementation of an Individualized Education Program (IEP).	Part C provides early intervention (EI) to the eligible child and his/her family through the development and implementation of an Individualized Family Service Plan (IFSP).
Special education and related services are provided to students in the least restrictive environment (LRE).	Early intervention services are provided to infants and toddlers in natural environments (NE) to the maximum extent appropriate. Justification statements must be written when not serving in NE.
Part B does not provide a service coordinator as part of the IEP.	Part C provides the family with a Family Resources Coordinator (FRC) to coordinate services and assist the family.
In Part B, eligibility is based on a child having one or more identified categories of disability. Eligibility is fairly consistent across the states. Developmental delay is an optional eligibility category in Part B for children, three to nine years.	In Part C, eligibility is based on developmental delay, or established conditions that have a high probability of resulting in developmental delay. Developmental delay is defined in Washington State's Federally Approved Plan, Section III Definitions.
The state education agency in every state administers the Part B program, including receiving and expending the annual allocation of funds under the Individuals with Disabilities Education Act (IDEA). This is our state's Office of the Superintendent of Public Instruction (OSPI).	In Washington DSHS, not OSPI, is the state lead agency that administers the IDEA, Part C, program. The Infant Toddler Early Intervention Program (ITEIP) is the policy office administering this program within DSHS.
A state's federal allocation under Part B is determined by a formula based on both state census and poverty data (85% census, 15% poverty).	A state's federal allocation under Part C is determined by a formula based only on national and state birth to three census data.
Funding for Part B programs and services is provided mostly through the IDEA allocation and the state's special education budget. Services are given at no cost to the child's family.	Funding for Part C programs and services involves a variety of funding sources, including federal, state, local, and private funding, in addition to Part C, with ITEIP (Part C) as payer of last resort.
Most services under Part B are provided by or through local school districts.	In Part C, services may be provided through local lead agencies (LLAs), school districts, a variety of public and private agencies, and/or individual providers.
In Part B, the state education agency is advised by the state's Special Education Advisory Council (SEAC).	In Part C, the state lead agency, DSHS, and all partnering state agencies are advised by the State Interagency Coordinating Council (SICC).

Similarities between Part B and Part C

Services provided to eligible children under both Parts B and C are to be individualized.

- Both have similar procedural safeguard requirements.
- Both have child find responsibilities relating to children below three years of age.
- Both share responsibility for a smooth transition at age three.
- When the U.S. Office of Special Education Programs monitors IDEA in a state, it monitors both Part B and Part C at the same time.